

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 02-118-A
	)	
SABUJ PATTANAYEK,	)	
	)	
Defendant.	)	

CRIMINAL INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

Count One

1. Beginning November 2000, and continuing until approximately October 31, 2001, in the Eastern District of Virginia and elsewhere, Sabuj Pattanayek, also known as "buj," defendant herein, conspired and agreed to willfully infringe copyrights with others known and unknown to the government, including but not limited to individuals known by their Internet nicknames "eriFlleH," "bandido," "EvilTea," "BigRar," "resist," "avec," "erupt," "chevelle," "azide," and "hackrat;" that is, during a 180-day period, defendant did conspire and agree to reproduce and distribute at least ten infringing copies of one or more copyrighted works, with a total retail value of more than \$2,500, for purposes of private financial gain, in violation of 17 U.S.C. § 506(a)(1), and 18 U.S.C. § 2319(b)(1).

2. It was part of the conspiracy that the defendant and other members of an Internet software piracy group known as "DrinkOrDie", would obtain, crack (i.e., remove copyright protections), and distribute new computer application and utility software to group-affiliated Internet file storage sites (aka "FTP sites") throughout the world. From November 2000 through October 31, 2001, DrinkOrDie obtained, cracked, and distributed over the Internet more than 250 application and utility software programs worth more than \$1,000,000.

3. It was further part of the conspiracy that DrinkOrDie members would operate and maintain group-controlled FTP sites containing tens of thousands of "cracked" copies of copyrighted software, games, movies, and music, for the reward and benefit of group members and others.

#### Overt Acts

4. It was further part of the conspiracy that one or more of the following acts in furtherance of and to effect the objects of the above-described conspiracy were committed in the Eastern District of Virginia:

a. On March 3, 2001, DrinkOrDie co-Leader "eriFlleH" drove from Philadelphia, Pennsylvania, to Fairfax, Virginia, for the sole purpose of delivering and connecting to the Internet a series of three computer processing units which, collectively, comprised the FTP site known as Fatal Error. "EriFlleH" had

preloaded Fatal Error with approximately 550 gigabytes of copyrighted computer software, games, and movies, and, on March 3, 2001, he assisted in installing Fatal Error at the computer facilities of an Internet Service Provider located in Dulles, Virginia.

b. Fatal Error continued to operate in the Eastern District of Virginia under the direction and control of "eriFlleH", for the benefit of DrinkOrDie members and others, until on or about October 25, 2001, when "eriFlleH" directed that it be mailed to DrinkOrDie member "BigRar" in Boston, Massachusetts. At the time of its transfer, Fatal Error had grown to contain over 900 gigabytes (more than 15,000 titles) of pirated software. During the eight month period in which it was located in the Eastern District of Virginia, more than 9,000 individual titles of pirated software, games, and movies were uploaded to the site, and more than 18,000 copies of pirated software, games, and movies were downloaded from the site, by DrinkOrDie members and others engaged in Internet software piracy.

(All in violation of Title 18, United States Code, Section 371.)

Paul J. McNulty  
United States Attorney

By: \_\_\_\_\_  
Robert W. Wiechering  
Assistant United States Attorney

